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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,416	07/23/2004	Daniel Greub	0115-044591	3939
28289	7590	09/20/2005	EXAMINER	
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			CHIEM, DINH D	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/502,416

Applicant(s)

GREUB, DANIEL

Examiner

Erin D. Chiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17, 27-32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 27-32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/05</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 18-26 and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 6, 2005.

Applicant's election with traverse of Species C, drawn to claims 17, 27-32, and 34-35 in the reply filed on September 6, 2005 is acknowledged. The traversal is on the ground(s) that since the International Searching Authority reviewed and found that the application contains a single inventive concept thus restriction is improper. This is not found persuasive because the Examiner finds that the inventive concept of Applicant's invention lies in the locking mechanism of the connector and Applicant discloses multiple implementations for locking the sleeves together such that the fibers cannot rotate within the holding of the connector. Therefore the structures of the locking mechanisms are mutually exclusive and the structural mutual exclusivity constitutes lack of unity.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structural details of how the

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ferrules of two optical plug-in connectors must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 27-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Jovanovich et al. (US Application 2001/0007641 A1).

Regarding claim 17, refer to Figures 1-5 for a complete understanding of Jovanovich's invention. Jovanovich's capillary valve, connector and router comprises a sleeve mount comprising an interior for accommodating and securing a longitudinally slit, cylindrical sleeve (Fig. 4; 230), the sleeve mount provided in a coupling of an optical plug-in connection for accommodating ferrules of two optical plug-in connectors introduced from opposite directions (Fig. 1), the sleeve mount having means for securing the sleeve against rotation about a sleeve axis, wherein the rotation-prevention means are arranged in a central part of the sleeve mount and are restricted to the central part of the sleeve mount (Fig. 3).

Regarding claim 27, the sleeve mount is made up of two separate accommodating parts (32a, 32b), and the rotation-prevention means are arranged and retained between the accommodating parts when the parts are all assembled and connected together.

Regarding claim 28, the sleeve mount wherein the accommodating parts (32a, 32b) have flange parts (Fig. 4; 228a, 228b) butting against one another when the accommodating parts are put together, and the rotation-prevention means comprise a securing plate 250 retained in a rotationally secure manner between the flange parts and engaging in the slit sleeve by way of protuberance (Fig. 7; 152). The manner in which the securing plate is retained is via the screws 214.

Regarding claim 29, the flange parts (228a, 228b) contain depressions for accommodating the securing plate, and the depressions each have a peripheral contour adapted to a peripheral contour of the securing plate. The Examiner defines the flange as being 228a, and

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228b and the depression is 226a and 226b and the contour adapted to a peripheral contour of the securing plate is 220a and 220b.

Regarding claim 30, the securing plate has a central opening 262, the sleeve is plugged through the central opening, and the protuberance is arranged on an inner periphery of the opening. This is achieved when the connector is assembled.

Regarding claim 31 the protuberance engages in the slit of the slit sleeve without projecting into an interior of the sleeve, see Fig. 3.

Regarding claim 32 the sleeve mount comprises means for defining the angle-of rotation orientation provided on the securing plate and the accommodating parts. For example, when the beveled edges are not facing North-East, South-East, North-West, and South-West then the angle of rotation orientation is incorrect.

Regarding claim 34, the peripheral contour allows radial play.

Regarding claim 35, the means for defining the angle of rotation orientation are bevels.

### ***Conclusion***

The rejection made by the Examiner above was based on the reasonably broad interpretation of the claim language. In Applications wherein the inventive concept requires assembly of multiple components, such as this Application, the Examiner suggests maintaining the reference numbers within the claims, such as in the claim version prior to the preliminary amendment. By doing so, the Examiner's scope of interpretation is accurate as the Applicant's intended claims.

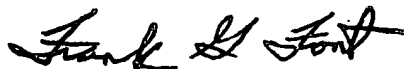
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin D Chiem  
Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Primary Examiner  
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